# Los Angeles County Sheriff's Department
## Supervisor's Report on Use of Force



**Incident Information**

| | | | | | |
|---|---|---|---|---|---|
| URN: | 401-09059-0980-145 | Date: | 12-31-01 | Time: | 0005 |
| Location: | [redacted] | | | | |
| City or Station: | [redacted] | | | | |
| Bureau/Station/Facility: | FORII/Lasd/West Hollywood | Admin. Investigation: YES ☐ NO ☒ | | | |

**Employee Witnesses**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

**Non-Employee Witnesses**

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | 30 | [redacted] |

| Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | ---------- |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | 44 | [redacted] |

| Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | ---------- |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| [redacted] | [redacted] | | 44 | [redacted] |

| Street Address | City | Zip Code | Work Ph. | Home Ph. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | ---------- |

**On Duty Supervisor**

| Emp. # | Last Name | First Name | Middle Name | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Bailey | Mark | | Sgt. | YES ☒ NO ☐ | YES ☒ NO ☐ |
| | | | | | YES ☐ NO ☐ | YES ☐ NO ☐ |

**Watch Sergeant**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

**Watch Commander**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Welker | W. | Brad |

Watch Commander's Signature: ____________________ Emp #: __________

Copy Provided to Employee by: ____________________ Emp #: __________

Supervisor Completing Form: ____________________ (Print) Emp #: __________

Unit Commanders Signature: ____________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 2053290

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

**See Reverse**

# Super'‘isor's Report on Use of F⌐rce

URN: 401-09059-0980-145



***Method***

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

***Type of Injury***

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

***Body Part Injured***

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

## *FORCE APPLIED*

## *(Only One Code Per Block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|
| E#1 | S#1 | TT | LC | HE |
| E#2 | S#1 | TT | LC | HE |
| S#1 | E#1 | PH | NN | ---------- |
| S#1 | E#2 | PH | NN | ---------- |
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See Front Side

# Supervisor's Report on Use of Force
# INVOLVED EMPLOYEE INFORMATION

URN: 401-09059-0980-145



**Involved Employee**

**E1**

| | | | |
|---|---|---|---|
| Employee #: [redacted] | Last Name: Gillies | First Name: Douglas | Middle Name: |
| Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Universal City | Work Assignment (Unit #, Module, etc.): ---------- |
| Shift: ☒ EM ☐ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: 41 | Height: 601 / Weight: 217 |
| Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☒ |

**E2**

| | | | |
|---|---|---|---|
| Employee #: [redacted] | Last Name: Bailey | First Name: Mark | Middle Name: |
| Sex: ☒ Male ☐ Female | Race: W. | Unit of Assignment: Universal City | Work Assignment (Unit #, Module, etc.): ---------- |
| Shift: ☒ EM ☐ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: 41 | Height: 511 / Weight: 205 |
| Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☒ |

**E_**

| | | | |
|---|---|---|---|
| Employee #: | Last Name: | First Name: | Middle Name: |
| Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.): |
| Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: / Weight: |
| Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐ |

**E_**

| | | | |
|---|---|---|---|
| Employee #: | Last Name: | First Name: | Middle Name: |
| Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.): |
| Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: / Weight: |
| Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐ |

**E_**

| | | | |
|---|---|---|---|
| Employee #: | Last Name: | First Name: | Middle Name: |
| Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.): |
| Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: / Weight: |
| Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐ |

**E_**

| | | | |
|---|---|---|---|
| Employee #: | Last Name: | First Name: | Middle Name: |
| Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.): |
| Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: / Weight: |
| Medical Exam/Treatment ☐ | If Admitted, Name of Hospital: | Coroner Case#: | Directed Force ☐ Significant Force ☐ |

# Supervisor's Report on Use of Force
# SUSPECT INFORMATION

URN: 401-09059-0980-145



## Suspect Information

**S1**

| | | | | | | |
|---|---|---|---|---|---|---|
| Last Name: Castro | | | First Name: Alfred | | Middle Name: Joseph | |
| **AKA** Last Name: | | | First Name: | | Middle Name: | |
| Sex: ☒ Male ☐ Female | Race: W | Street Address: [redacted] | | City: [redacted] | State & Zip Code: [redacted] | |
| Work Phone: [redacted] | Home Phone: [redacted] | Age: 46 | Height: 601 | D.O.B. 10-29-55 | Weight: 175 | Armed? ☐ |
| Booking #: 7131031 | Primary Charge: 243(B) PC | | Secondary Charge: 148 PC | | Criminal History [redacted] | |
| Hospital Admission? ☐ | Rec'd Treatment At: St. Joseph's Hospital | | Coroner Case#: | | Mental History ☐ | |
| Under Influence: ☒ YES ☐ NO | Substance: Alcohol | | Photos of Suspect's Injuries ☒ YES ☐ NO | | | |

**Suspect Interview**

| Date: | Time: | Audiotape: | Videotape: |
|---|---|---|---|
| 12-31-01 | 1800 | ☒ | ☐ |

## Suspect Information

**S_**

| | | | | | | |
|---|---|---|---|---|---|---|
| Last Name: | | | First Name: | | Middle Name: | |
| **AKA** Last Name: | | | First Name: | | Middle Name: | |
| Sex: ☐ Male ☐ Female | Race: | Street Address: | | City: | State & Zip Code: | |
| Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐ |
| Booking #: | Primary Charge: | | Secondary Charge: | | Criminal History ☐ | |
| Hospital Admission? ☐ | Rec'd Treatment At: | | Coroner Case#: | | Mental History ☐ | |
| Under Influence: ☐ YES ☐ NO | Substance: | | Photos of Suspect's Injuries ☐ YES ☐ NO | | | |

**Suspect Interview**

| Date: | Time: | Audiotape: | Videotape: |
|---|---|---|---|
| | | ☐ | ☐ |

## Suspect Information

**S_**

| | | | | | | |
|---|---|---|---|---|---|---|
| Last Name: | | | First Name: | | Middle Name: | |
| **AKA** Last Name: | | | First Name: | | Middle Name: | |
| Sex: ☐ Male ☐ Female | Race: | Street Address: | | City: | State & Zip Code: | |
| Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐ |
| Booking #: | Primary Charge: | | Secondary Charge: | | Criminal History ☐ | |
| Hospital Admission? ☐ | Rec'd Treatment At: | | Coroner Case#: | | Mental History ☐ | |
| Under Influence: ☐ YES ☐ NO | Substance: | | Photos of Suspect's Injuries ☐ YES ☐ NO | | | |

**Suspect Interview**

| Date: | Time: | Audiotape: | Videotape: |
|---|---|---|---|
| | | ☐ | ☐ |



See Other Side

# Supervisor's Report on Use of Force

URN: 401-09059-0980-145



## Non-Employee Witnesses (Continuation)

| | | | | |
|---|---|---|---|---|
| Last Name | | First Name | | Middle Name |
| [redacted] | | [redacted] | | |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| [redacted] | [redacted] | [redacted] | [redacted] | ---------- |
| Last Name | | First Name | | Middle Name |
| [redacted] | | [redacted] | | |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| [redacted] | [redacted] | [redacted] | [redacted] | ---------- |
| Last Name | | First Name | | Middle Name |
| [redacted] | | [redacted] | | |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| [redacted] | [redacted] | [redacted] | [redacted] | ---------- |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |
| Last Name | | First Name | | Middle Name |
| Street Address | City | Zip Code | Work Ph. | Home Ph. |

# INVESTIGATIVE SUMMARY
## DEPUTY INVOLVED USE OF FORCE
## SUSPECT INJURED
## IAB FO-2053290
## URN: 401-09059-0980-145

On Monday, December 31, 2001, Sergeant Elier Morejon of the Internal Affairs Bureau responded to West Hollywood, Universal City Walk, regarding a use of force. Deputy Gillies and Sergeant Bailey became involved in a use of force with a combatant suspect at "[redacted]" during a call for service.

The summary of this incident is based on information obtained from reports, memoranda, and other documents regarding West Hollywood Station File #401-09059-0980-145, interviews of involved sworn personnel and civilian witnesses. **(See Exhibit - A)**

**INVOLVED PERSONNEL:**

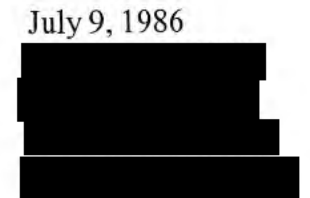
**GILLIES**, Douglas, Deputy, #[redacted]
**BAILEY,** Mark, Sergeant #[redacted]

West Hollywood Station- Universal City Walk
Field Operations Region II

**EMPLOYEE WORK HISTORY:**

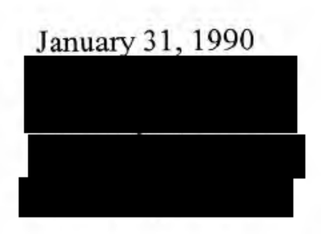
**GILLIES,** Douglas

| | |
|---|---|
| Date of Employment: | July 9, 1986 |
| Date assigned to Patrol: | [redacted] |
| Completed Patrol Training: | |
| Prior Shooting Incidents: | |
| Prior Founded Force Incidents: | |



**BAILEY,** Mark

| | |
|---|---|
| Date of Employment: | January 31, 1990 |
| Date assigned to Patrol: | [redacted] |
| Completed Patrol Training: | |
| Prior Shooting Incidents: | |
| Prior Founded Force Incidents: | |



## SUSPECT:

**CASTRO, Alfred Joseph M/W/46**
[redacted]

## WITNESSES:

**Sworn:**

None

**Civilian:**

| | |
|---|---|
| [redacted] MW/[redacted] | Witness ([redacted]) |
| [redacted] MJ/[redacted] | Witness |
| [redacted] MB/[redacted] | Witness |
| [redacted] MW/[redacted] | [redacted] |
| [redacted] MH/[redacted] | [redacted] |
| [redacted] MW/[redacted] | Witness |

## INJURIES:

Suspect Castro was transported by "AMR" Ambulance to Saint Joseph's Hospital where he was treated by Dr. Simic for a laceration to his scalp and abrasions to his back and elbow. Suspect Castro received nine staples to his scalp in order to close the wound. He was O.K.'d for booking at West Hollywood Sheriff's Station. **(See Exhibit - C)**

## PHYSICAL EVIDENCE:

Plastic ink writing pen broken in several pieces kept as evidence by Universal City Walk Detectives.

## INVESTIGATOR OBSERVATIONS:

The location of the incident is a night club located at Universal City Walk. It is located in the upstairs portion of the building with a patio area over looking Universal City Walk. No evidence was found, seen or recovered by investigators due to the fact that everything had been cleaned up and recovered prior to our arrival. Pictures of scene had been taken and handed over to investigators.

> **IAB NOTE: Several surveillance cameras captured the incident on video tape. The video tape will be kept a permanent record of this file. Still photographs were captured from the video tape. (See Exhibit - K)**

## WEAPONS USED BY DEPUTY PERSONNEL:

No weapons were used by department personnel. Deputy Gillies used a takedown technique and several punches to the suspect's rib cage area in order to effect the arrest. Sergeant Bailey also struck the suspect in the rib cage area several times with his fist.

## WEAPONS USED BY SUSPECT:

None.

## PROPERTY DAMAGE:

No property damage was observed at the scene.

## CRIMINAL INVESTIGATOR/CHARGES FILED:

**West Hollywood - Universal City Walk Detective:**
DETECTIVE RONALD M. SABITINE #[redacted]

Charges of Battery on a Peace Officer - 243(B) PC and Disorderly conduct/Under the influence of alcohol - 647(F) PC were filed at West Hollywood Court.

## LIGHTING AND WEATHER CONDITIONS:

This incident occurred during the evening hours. The entrance to [redacted] and the patio area were fairly illuminated.

The weather was clear.

## INVOLVED EMPLOYEE'S STATEMENTS:

## DEPUTY DOUGLAS GILLIES:

Deputy Gillies said he and Sergeant Bailey responded to "[redacted]" regarding a call from Pinkerton Security, advising them that a patron was refusing to leave. Deputy Gillies said they arrived and saw two individuals standing just outside the door to "[redacted]" talking to Mr. [redacted], manager at the location. Deputy Gillies stood nearby in order to monitor the situation and to keep the peace. He saw two individuals (later identified as Suspect Castro and Mr. [redacted]) who appeared very intoxicated. He said that Suspect Castro's behavior was very argumentative and uncooperative as he spoke to Mr. [redacted].

Deputy Gillies was told by Mr. [redacted] that Mr. [redacted], a friend of Suspect Castro, was very drunk and had been cut off from having any further alcoholic beverages by the bartender. Mr. [redacted] told Deputy Gillies that after Mr. [redacted] had been cut off, he was caught stealing a pitcher of tap beer from the closed upstairs bar. Mr. [redacted] was asked to leave the bar by Mr. [redacted]. When Suspect Castro realized that his friend, Mr. [redacted], was not going to be allowed to return inside, he became very aggressive and confrontational with Mr. [redacted]. Deputy Gillies said that he then heard Mr. [redacted] tell Suspect Castro that he was not allowed to return inside the bar either. Mr. [redacted] told him that he would bring the bill out to him so that he could sign it. Suspect Castro had previously told Mr. [redacted] that he would pay for the pitcher of beer that Mr. [redacted] took from the bar without paying.

Deputy Gillies said that Mr. [redacted] went inside and shortly after returned with the bill and a credit card for Suspect Castro to sign. Suspect Castro was given the check and a pen to sign. Suspect Castro, who stood near Mr. [redacted], put his face forward and near Mr. [redacted] and said to him in a confrontational and threatening manner, "Fuck you, you fat mother fucker." Suspect Castro immediately turned to his right and started to walk back into "[redacted]" Deputy Gillies said that he feared that Suspect Castro might possibly escalate the situation and possibly start a fight inside the bar. The bar was completely full of customers. Deputy Gillies grabbed Suspect Castro by the right shoulder to prevent him from entering and to advise him that his behavior was disorderly, drunk and that he was visibly creating a disturbance.

Deputy Gillies said that Suspect Castro surprised him by quickly turning to his right, looking at him and punching him in the chest with his left fist. Deputy Gillies put his hands up in order to defend himself because Suspect Castro continued to advance in an assaultive manner. Deputy Gillies said he then struck Suspect Castro with his hands and fist in his upper torso area. He then grabbed a hold of Suspect Castro and, with the assistance of Sergeant Bailey, they attempted to subdue him. Suspect Castro continued to vigorously fight and resist both Deputy Gillies and Sergeant Bailey. Suspect Castro's force drove everyone back away from the door and towards an outside seating area just outside the bar. Deputy Gillies and Sergeant Bailey finally were able to force Suspect Castro down to the ground. **(See Exhibit - D)**

As they fought, they fell against a steel fence that borders the outside seating area. **(See Exhibit- E)** They all slid down the fence and onto the floor, with Suspect Castro falling on his back. When Suspect Castro fell to the ground he struck the back of his head on a raised tiled curb which borders the base of the fence. **(See Exhibit - F)** Deputy Gillies said that he immediately noticed blood coming from Suspect Castro's head. He said he repeatedly ordered Suspect Castro to stop fighting and resisting. Deputy Gillies yelled at Suspect Castro numerous times to place his hands behind his back. Suspect Castro did not comply with Deputy Gillies' orders and continued to fight and struggle while on the ground.

Deputy Gillies said that as they fought he saw that Suspect Castro was clinching on to a pen which was partially sticking out of his fist. **(See Exhibit - G)** He said he was afraid that Suspect Castro would use it as a weapon against him or Sergeant Bailey. He struck Suspect Castro several times in the mid section (rib cage area) with his fist in an effort to get him to comply. He said that Sergeant Bailey was able to grab the part of the pen that was sticking out and break it off. Suspect Castro finally gave up and they were able to handcuff him without further incident.

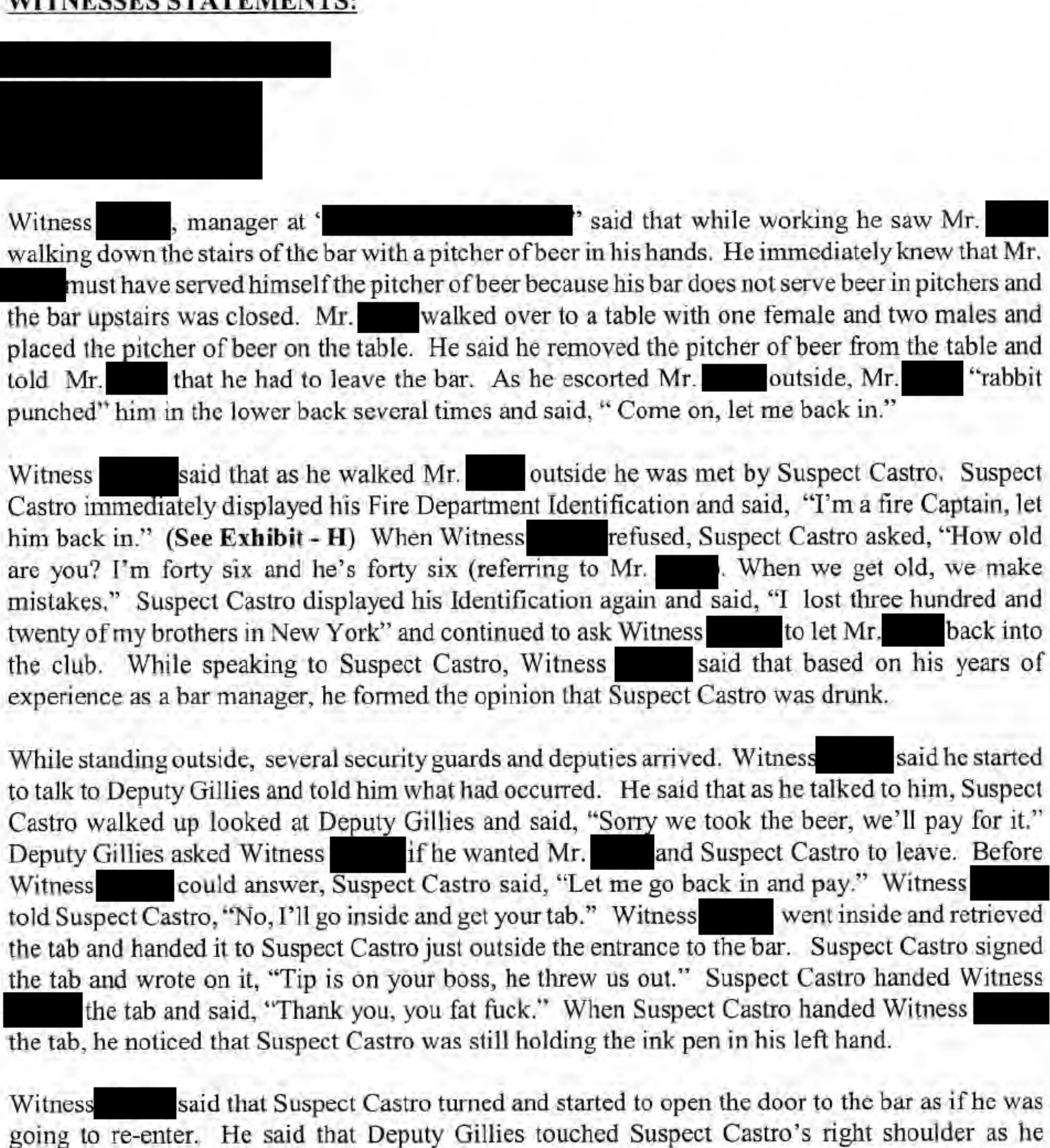
**SERGEANT MARK BAILEY:**

Sergeant Bailey said he and Deputy Gillies responded to "[redacted]" regarding a patron who was refusing to leave the establishment. Upon their arrival they saw the restaurant manager, Mr. [redacted], talking to Suspect Castro and a second individual later identified as Mr. [redacted]. Mr. [redacted] was ejecting the two because Mr. [redacted] had stolen a pitcher of beer from the second floor bar. He and Deputy Gillies were monitoring the discussion between the three when he heard Suspect Castro tell Mr. [redacted], "Fuck you. You fat mother fucker," in a very threatening manner. He said that Suspect Castro then immediately turned to his left away from Mr. [redacted] and began to open the bar door in an attempt to re-enter the establishment.

Sergeant Bailey said he then saw Deputy Gillies grab Suspect Castro's right arm in an attempt to stop him from re-entering. At the moment that Deputy Gillies grabbed Suspect Castro's arm, he (Castro) turned to his right and with a raised left arm, struck Deputy Gillies in the chest with his left fist. Deputy Gillies grabbed Suspect Castro's upper body with both arms while Sergeant Bailey grabbed him from behind. They continued to struggle away from the door and ended up at an outside eating area. Sergeant Bailey said he saw that Suspect Castro was holding a pen in his right hand. Fearing that he would use the pen to injure him or Deputy Gillies if his arms became free, coupled with his violent behavior, they forced him to the ground where he landed on his back.

During the fall to the ground, Suspect Castro's head and upper back hit a steel fence, and as he continued to fall, the back of his head struck a raised cement tiled curb. Sergeant Bailey said he immediately saw blood emitting from the back of Suspect Castro's head onto the curb. Sergeant Bailey said that this did not stop or slow Suspect Castro's aggressive behavior towards them. He continued to struggle while keeping both fists clenched very tight. Sergeant Bailey said that he and Deputy Gillies struck Suspect Castro several times in his mid-section with their fists in an effort to gain control and compliance, so that they could handcuff him without further incident. Sergeant

Bailey said that during the entire incident numerous commands were given to Suspect Castro to stop fighting and resisting. Suspect Castro finally gave up and they were able to handcuff him without further incident.



## WITNESSES STATEMENTS:

[redacted]

Witness [redacted], manager at "[redacted]" said that while working he saw Mr. [redacted] walking down the stairs of the bar with a pitcher of beer in his hands. He immediately knew that Mr. [redacted] must have served himself the pitcher of beer because his bar does not serve beer in pitchers and the bar upstairs was closed. Mr. [redacted] walked over to a table with one female and two males and placed the pitcher of beer on the table. He said he removed the pitcher of beer from the table and told Mr. [redacted] that he had to leave the bar. As he escorted Mr. [redacted] outside, Mr. [redacted] "rabbit punched" him in the lower back several times and said, " Come on, let me back in."

Witness [redacted] said that as he walked Mr. [redacted] outside he was met by Suspect Castro. Suspect Castro immediately displayed his Fire Department Identification and said, "I'm a fire Captain, let him back in." **(See Exhibit - H)** When Witness [redacted] refused, Suspect Castro asked, "How old are you? I'm forty six and he's forty six (referring to Mr. [redacted]. When we get old, we make mistakes." Suspect Castro displayed his Identification again and said, "I lost three hundred and twenty of my brothers in New York" and continued to ask Witness [redacted] to let Mr. [redacted] back into the club. While speaking to Suspect Castro, Witness [redacted] said that based on his years of experience as a bar manager, he formed the opinion that Suspect Castro was drunk.

While standing outside, several security guards and deputies arrived. Witness [redacted] said he started to talk to Deputy Gillies and told him what had occurred. He said that as he talked to him, Suspect Castro walked up looked at Deputy Gillies and said, "Sorry we took the beer, we'll pay for it." Deputy Gillies asked Witness [redacted] if he wanted Mr. [redacted] and Suspect Castro to leave. Before Witness [redacted] could answer, Suspect Castro said, "Let me go back in and pay." Witness [redacted] told Suspect Castro, "No, I'll go inside and get your tab." Witness [redacted] went inside and retrieved the tab and handed it to Suspect Castro just outside the entrance to the bar. Suspect Castro signed the tab and wrote on it, "Tip is on your boss, he threw us out." Suspect Castro handed Witness [redacted] the tab and said, "Thank you, you fat fuck." When Suspect Castro handed Witness [redacted] the tab, he noticed that Suspect Castro was still holding the ink pen in his left hand.

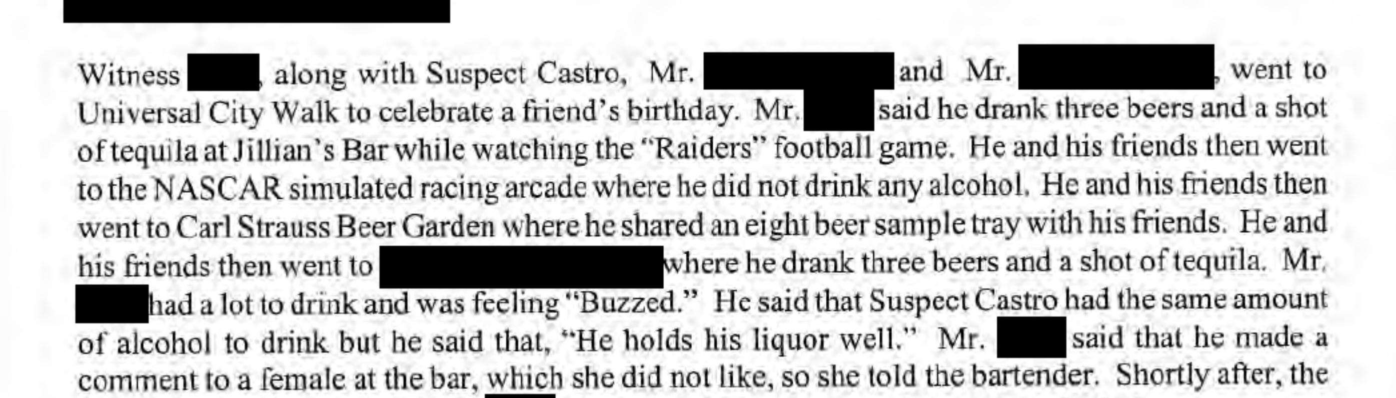
Witness [redacted] said that Suspect Castro turned and started to open the door to the bar as if he was going to re-enter. He said that Deputy Gillies touched Suspect Castro's right shoulder as he attempted to walk back into the bar. Witness [redacted] saw Suspect Castro turn to his right and throw what he described as a "left handed Haymaker" style punch toward Deputy Gillies' chest. He said

he saw Suspect Castro's left fist hit Deputy Gillies in the chest just below the throat. He also said that he could see that Suspect Castro was still holding the ink pen he had just signed the tab with in his left clenched fist, with the point of the pen protruding out of the bottom of his fist as he struck Deputy Gillies.

After Suspect Castro punched Deputy Gillies, he (Gillies) and Sergeant Bailey carried Suspect Castro's momentum and forced him to the ground. He said that Suspect Castro landed on the ground and started to throw his elbows backwards towards Deputy Gillies and Sergeant Bailey. He could hear Deputy Gillies and Sergeant Bailey telling Suspect Castro to "Relax, calm down." He said he saw both Deputy Gillies and Sergeant Bailey hit Suspect Castro in his mid-section about three to four times with their fists as they attempted to handcuff him. He said that Suspect Castro was not complying with orders given to him and continued to throw his elbows at Deputy Gillies and Sergeant Bailey for about 45 seconds to a minute. He said that he did not see Suspect Castro get hit prior to being taken to the ground.

Witness [redacted] said that they eventually handcuffed him and sat him up. Deputy Gillies immediately called for paramedics for Suspect Castro's head injury. Witness [redacted] said that Suspect Castro first told Deputy Gillies and Sergeant Bailey that he was a fire captain as they sat him up after the altercation. He said that he was surprised he did not let them know when they talked at the front door. Witness [redacted] said that Deputy Gillies and Sergeant Bailey handled themselves in a very professional manner during the incident.

[redacted]



Witness [redacted], along with Suspect Castro, Mr. [redacted] and Mr. [redacted], went to Universal City Walk to celebrate a friend's birthday. Mr. [redacted] said he drank three beers and a shot of tequila at Jillian's Bar while watching the "Raiders" football game. He and his friends then went to the NASCAR simulated racing arcade where he did not drink any alcohol. He and his friends then went to Carl Strauss Beer Garden where he shared an eight beer sample tray with his friends. He and his friends then went to [redacted] where he drank three beers and a shot of tequila. Mr. [redacted] had a lot to drink and was feeling "Buzzed." He said that Suspect Castro had the same amount of alcohol to drink but he said that, "He holds his liquor well." Mr. [redacted] said that he made a comment to a female at the bar, which she did not like, so she told the bartender. Shortly after, the waitress and bartender told Mr. [redacted] that he would not be served any more alcohol.

Mr. [redacted] said that he wanted more to drink so he went upstairs to an unattended bar and poured himself a pitcher of beer. He said when he went downstairs he was kicked out of the club by the manager for stealing the beer.**(See Exhibit - I)** Mr. [redacted] said that as he stood outside, Suspect Castro walked towards him and heard him tell the manager that he would pay for the beer, but the manager refused payment. He then saw the manager give Suspect Castro the tab and then heard Suspect Castro make a comment about the waitress not getting a tip. He then saw Suspect Castro

turn around and as he started to walk towards the bar, he heard him say, "I'm going to get my buddies." He then saw Suspect Castro "flying" backwards onto the ground. He did not see anyone throw any punches. He saw three guys standing over Suspect Castro as he lay on the ground. He saw the three guys punching Suspect Castro and heard yelling. He could not see where the punches landed or hear what words were being yelled, he only saw "elbows flying." Mr. [redacted] openly admitted to stealing the pitcher of beer and not complying with the Deputy's orders to step away. He said he was sorry and that this whole situation was his fault.

**IAB NOTE: Mr. [redacted] was arrested for Resisting/Obstructing a Peace Officer, 148 (A) PC., Public Intoxication, 647(f) PC**

[redacted]

Witness [redacted] is a paid private security, "Blue Coat" for Universal City Walk. He said he was standing just outside of [redacted] and saw Suspect Castro signing a bill. He said he heard the manager tell Suspect Castro that he was not allowed to go back inside the club. After signing the bill, Suspect Castro suddenly turned and started to walk towards the front door. As Suspect Castro was reaching for the door handle, Deputy Gillies grabbed Suspect Castro's right upper arm with his right hand. Suspect Castro immediately swung back his left hand at Deputies Gillies chest. He said he then saw Deputy Gillies and Sergeant Bailey take Suspect Castro to the ground. He said that as Suspect Castro was on the ground, he continued to struggle with the deputies, but he was eventually handcuffed.


[redacted]

Witness [redacted] said he is employed by Pinkerton Security Services, which is the private security company for Universal City Walk. He said he was standing next to his partner, Witness [redacted], just outside of [redacted] and a couple of feet away from Deputy Gillies at the time of the incident. He said he saw Suspect Castro standing next to Mr. [redacted] signing a bill. He said as Suspect Castro was signing the bill, he heard Mr. [redacted] warn him that he wasn't allowed back inside of [redacted] After signing the bill, Suspect Castro said something to Mr. [redacted] turned around and started walking towards the front door. Witness [redacted] said he could not make out what Suspect Castro said to Mr. [redacted]. Witness [redacted] said he saw Deputy Gillies grab Suspect Castro's right arm with his right hand. He said that Suspect Castro then swung back at Deputy Gillies with his fist hitting Deputy Gillies in the chest. He said Deputy Gillies and Sergeant Bailey tried to restrain Suspect Castro, who started to struggle with them. They struggled with Suspect

Castro in the patio area, until they fell to the ground. Suspect Castro continued to struggle and resist Deputy Gillies and Sergeant Bailey, who were trying to handcuff him. They were finally able to handcuff him without further incident.

[redacted]

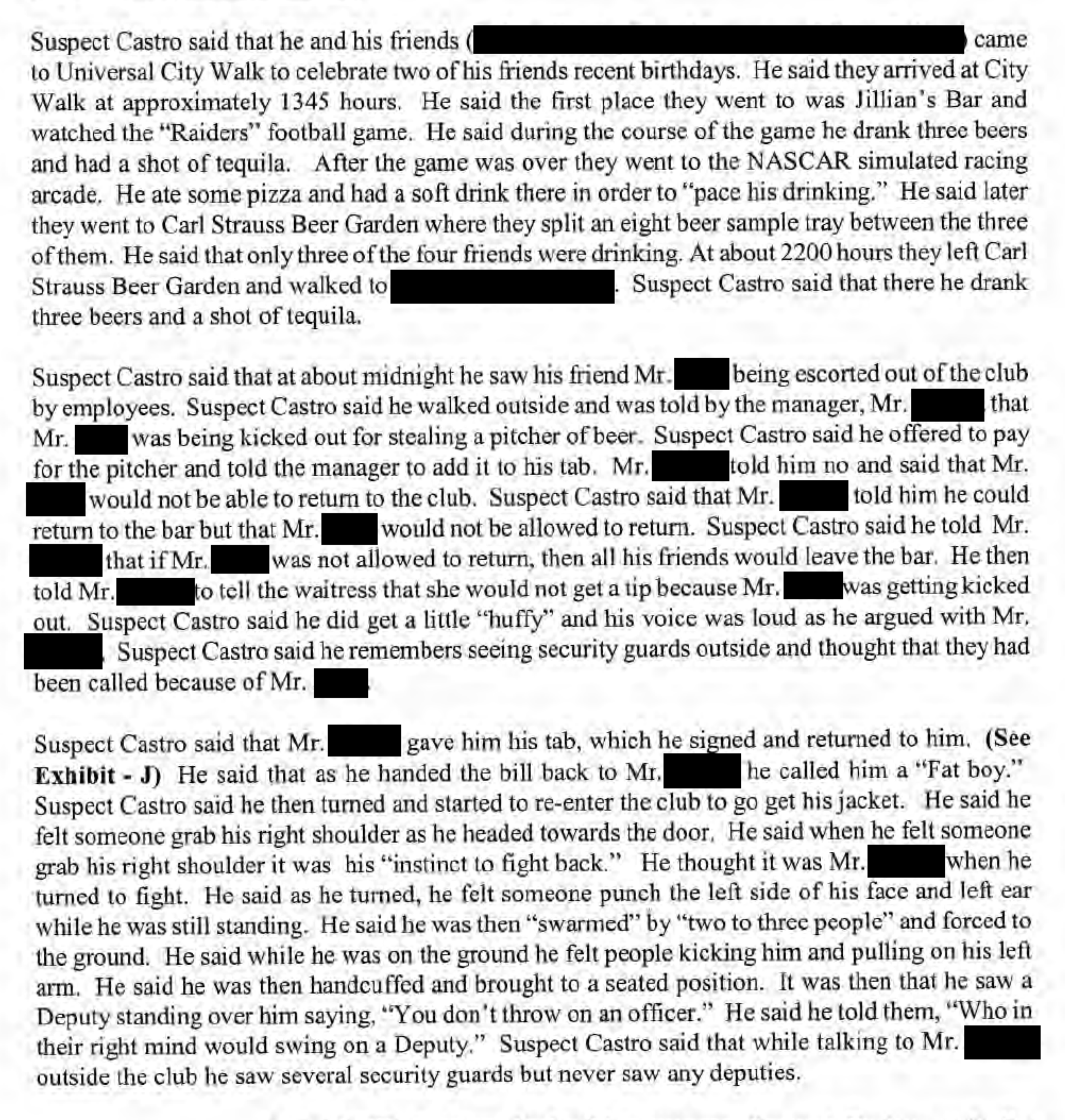
Witness [redacted] said he is employed by Pinkerton Security Services. He said he was standing with his partner, Witness [redacted] just outside the door to [redacted] at the time of the incident. He said he saw Suspect Castro standing outside the front doors and signing a bill. He heard Mr. [redacted] warn him that he was not allowed back inside the bar. He said after signing the bill, he heard Suspect Castro call Mr. [redacted] a "Fat boy." He then started to walk towards the front door. Witness [redacted] said he saw Deputy Gillies grab Suspect Castro's right arm and say, "I want to talk with you." Suddenly, Suspect Castro turned and hit Deputy Gillies in the chest with his fist. He said that both Deputy Gillies and Sergeant Bailey grabbed Suspect Castro and attempted to control him. He said Suspect Castro struggled and resisted. During the struggle they fell to the ground where Suspect Castro still continued to struggle. He said after a short period, the deputies were able to handcuff Suspect Castro without further incident.



Witness [redacted] is an employee at [redacted]. Witness [redacted] said he was standing next to the front door and all he saw was Suspect Castro being very uncooperative with Pinkerton Security and Deputy personnel. He said the deputies were trying to calm Suspect Castro down but he refused and continued to act crazy and wild. He said he fought with the deputies when they tried to control him.

**IAB NOTE: [redacted]. Mr. [redacted] is one of the individuals who Suspect Castro went to Universal City Walk with. He said he did not see any of the incident because he and Witness [redacted] were inside the night club. He said the only thing he saw when he went outside was Suspect Castro sitting on the ground, handcuffed. [redacted] was also one of the individuals who Suspect Castro went to Universal City Walk with. Witness [redacted] was not interview as he was gone prior to our arrival. He lives in Hawaii and was asked to call investigators, but has not returned a phone call.**

**SUSPECT STATEMENTS:**



**ALFRED JOSEPH CASTRO:**

Suspect Castro said that he and his friends ([redacted]) came to Universal City Walk to celebrate two of his friends recent birthdays. He said they arrived at City Walk at approximately 1345 hours. He said the first place they went to was Jillian's Bar and watched the "Raiders" football game. He said during the course of the game he drank three beers and had a shot of tequila. After the game was over they went to the NASCAR simulated racing arcade. He ate some pizza and had a soft drink there in order to "pace his drinking." He said later they went to Carl Strauss Beer Garden where they split an eight beer sample tray between the three of them. He said that only three of the four friends were drinking. At about 2200 hours they left Carl Strauss Beer Garden and walked to [redacted]. Suspect Castro said that there he drank three beers and a shot of tequila.

Suspect Castro said that at about midnight he saw his friend Mr. [redacted] being escorted out of the club by employees. Suspect Castro said he walked outside and was told by the manager, Mr. [redacted] that Mr. [redacted] was being kicked out for stealing a pitcher of beer. Suspect Castro said he offered to pay for the pitcher and told the manager to add it to his tab. Mr. [redacted] told him no and said that Mr. [redacted] would not be able to return to the club. Suspect Castro said that Mr. [redacted] told him he could return to the bar but that Mr. [redacted] would not be allowed to return. Suspect Castro said he told Mr. [redacted] that if Mr. [redacted] was not allowed to return, then all his friends would leave the bar. He then told Mr. [redacted] to tell the waitress that she would not get a tip because Mr. [redacted] was getting kicked out. Suspect Castro said he did get a little "huffy" and his voice was loud as he argued with Mr. [redacted]. Suspect Castro said he remembers seeing security guards outside and thought that they had been called because of Mr. [redacted].

Suspect Castro said that Mr. [redacted] gave him his tab, which he signed and returned to him. **(See Exhibit - J)** He said that as he handed the bill back to Mr. [redacted] he called him a "Fat boy." Suspect Castro said he then turned and started to re-enter the club to go get his jacket. He said he felt someone grab his right shoulder as he headed towards the door. He said when he felt someone grab his right shoulder it was his "instinct to fight back." He thought it was Mr. [redacted] when he turned to fight. He said as he turned, he felt someone punch the left side of his face and left ear while he was still standing. He said he was then "swarmed" by "two to three people" and forced to the ground. He said while he was on the ground he felt people kicking him and pulling on his left arm. He said he was then handcuffed and brought to a seated position. It was then that he saw a Deputy standing over him saying, "You don't throw on an officer." He said he told them, "Who in their right mind would swing on a Deputy." Suspect Castro said that while talking to Mr. [redacted] outside the club he saw several security guards but never saw any deputies.

> **IAB NOTE: During the booking process, Suspect Castro made the following spontaneous statements to the jailer. "I knew it was a Deputy, but I didn't do anything wrong." "I won't get in trouble because I didn't do anything."**